

MINUTES OF THE HOUSE EDUCATION BUDGET COMMITTEE

The meeting was called to order by Chairman Joe McLeland at 3:30 p.m. on March 3, 2010, in Room 159-S of the Capitol.

All members were present except:

Representative Arlen Siegfried- excused

Committee staff present:

Theresa Kiernan, Office of the Revisor of Statutes
Reagan Cussimano, Kansas Legislative Research Department
Dee Heideman, Committee Assistant

Conferees appearing before the Committee:

Cheryl Semmel, Executive Director, United School Administrators
Brenda Dietrich, Superintendent, Auburn-Washburn USD 437
Jim Lentz, Superintendent, Augusta Public Schools, USD 402
Terry Collins, Director, Doniphan County Education Cooperative No 616
Mark Tallman, Assistant Executive Director, Kansas Association of School Boards
Blake West, President, KNEA
David Schauner, General Counsel, KNEA
Charolotte Bartsch, United Teachers of Wichita
Amy Snodgrass, United Teachers of Wichita

Others attending:

See attached list.

HB 2699 - School districts; teachers; tenure

Cheryl Semmel, Executive Director, United School Administrators is a proponent to this bill that amends K.S.A. 72-5445 to require teachers to complete not less than five (5) years of consecutive employment, with an offer of employment for six (6) years before receiving full due process rights ("tenure"). ([Attachment 1](#))

Another proponent, Brenda Dietrich, Superintendent, USD 437 Auburn-Washburn, stated she felt we need to give more intentional and targeted support for certified staff who are new to our profession and, by the very nature of their newness, need more time to hone their skills. ([Attachment 2](#))

Jim Lentz, Superintendent, Augusta Public Schools, USD 402, is an advocate for **HB 2699** because by changing the law on granting tenure from three (3) to five (5) years, we provide more time to mentor new teachers and give them time to learn the skills and knowledge necessary to help all students learn and be successful. If we build skills first, high expectations for student success will follow. ([Attachment 3](#))

Terry Collins, Director, Doniphan County Education Cooperative No. 616 says by amending the continuing contract law, as set forth in **HB 2699**, allows us to ensure that waived teachers complete the requirement for licensure before completing their probationary period. ([Attachment 4](#))

Mark Tallman, Assistant Director, Kansas Association of School Boards says the Board hears from administrators about marginal teachers who may mature into effective educators if given more time and experience. This bill simply gives both boards and teachers more time for evaluation and improvement. ([Attachment 5](#))

Written testimony in support was submitted by Bob Vancrum, Government Affairs Specialist, Blue Valley USD 229. ([Attachment 6](#))

The first opponent was Blake West, President, KNEA, said his organization believes that lengthening the time for teachers to move from probationary to non-probationary status weakens the education system and is a disservice to students. ([Attachment 7](#))

CONTINUATION SHEET

Minutes of the House Education Budget Committee at 3:30 p.m. on March 3, 2010, in Room 159-S of the Capitol.

A staunch opponent was David Schauner, General Counsel, KNEA. He reported extending the probationary period from three (3) years to five (5) not only does a disservice to professional educators, it does a disservice to those that educate and communities in which they live and work. (Attachment 8)

Also opposing was Charolotte Bartsch, United Teachers of Wichita. She stated 1) rather than supporting teachers, this bill is about balancing budgets with no accountability; 2) the longer time frame absolves districts of the need to ensure that they have a rigorous, substantive teacher evaluation system in place to help them make employment decisions; 3) the five-year period would keep us from being competitive with other states; 4) this bill would create a large underclass of teachers with no connection to the community. (Attachment 9)

Another United Teachers of Wichita opponent, Amy Snodgrass, stated she felt three (3) years was sufficient time for a new teacher to demonstrate he/she is competent and showing signs of developing into a strong teacher, especially when adequate support is given to new teachers. (Attachment 10)

Written testimony in opposition to **HB 2699** was submitted by Andrew Davis, national board certified teacher from Wichita Public Schools. (Attachment 11)

The next meeting on call of chair.

The meeting was adjourned at 5:15 p.m.

EDUCATION BUDGET COMMITTEE GUEST LIST

DATE: 3-3-10

NAME	REPRESENTING
Larry Landwehr	UTW / KNEA
Kevin Riemann	KNEA
Charlotte Bartsch	Wichita Teacher
Amy Snodgrass	Wichita Teacher
Randy Moustey	UTW/KNEA
MARK DESETTI	KNEA
Dodie Weelshear	USA / Kansas
(DAVID) STAUNER	KNEA
Travis Lowe	Little Earth Relations
Lori Henry	Sandstone Corp LLC
LARRY GELB	KACCT
Brenda Dickman	USD 432
Claudette Johns	Kansas NEA
Tracy Russell	SQE
Bill Reardon	USD 500 (KCKs)
Sharon Zwellner	USD 416 Louisburg
Cheryl Semmel	USA / Kansas
Cheryl Barb-Tollett	USD 501
BLAKE WEST	KNEA
Mary Masten	USD 501

Testimony on HB 2699

House Education Budget Committee

Presented by: Cheryl L. Semmel, Executive Director

March 3, 2010

The mission of United School Administrators of Kansas (USA|Kansas*), through collaboration of member associations, is to serve, support, and develop educational leaders and to establish USA|Kansas as a significant force to improve education.

Administrators are mindful that the state continues to experience an unprecedented economic crisis as revenues continue to fall. At the same time, the need for appropriate educational services continues to rise. We remain focused on the goal that each child in Kansas will receive a quality education that helps them reach their potential and become successful, productive citizens. As you know, Kansas students are making unprecedented academic achievement and we are on a path of continuous improvement. In many areas, Kansas students are performing **above** the national average and for that you should all be proud.

USA|Kansas is here today in support of HB 2699, a bill amending K.S.A. 72-5445 to require teachers to complete not less than five (5) years of consecutive employment, with an offer of employment for six (6) years before receiving full due process rights (“tenure”).

As administrators and lifelong educators, we embrace innovation and continuous improvement. New challenges confront school leaders and teachers, including technology, diversity, and relevant curriculum. We are called upon to build capacity in others and form strong teams; leadership must be a culture of shared responsibility throughout the educational organization. **As we strive to improve quality instruction and adequately support new teachers, administrators recognize that there is perhaps no greater investment than allowing new teachers time to strengthen and build upon those skills they have acquired through their educational experience. It is for that reason that we stand in support of HB 2699.**

Our support for HB 2699 is not intended to minimize or overlook the impact that quality instruction has on students. In fact, I would like to emphasize that USA|Kansas has historically advocated for additional funding for public education and asked that in these challenging times, we make no further cuts to K-12 public education. There has been a direct relationship between increased funding for K-12 public education and increased salaries and benefits for instructional

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personnel, as well as the increased number of education professionals statewide. **Administrators know that quality instruction and leadership are critical to the support of our students** and we have advocated that quality mentoring and professional development opportunities are critical to the success of our teachers and administrators.

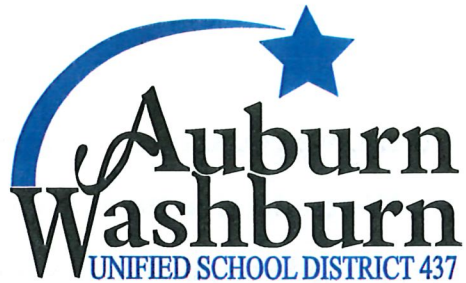
Administrators also realize that the issues related to the recruitment and retention of highly qualified teachers and the comprehensive nature of teacher compensation and due process cannot fully be addressed here. However, we do believe that this bill gives administrators, boards and teachers more time for evaluation and targeted professional development. Districts struggle with issuing contracts that allow little room for targeted professional development for teachers who are performing “marginally” in their third year. In many cases, administrators believe that with additional support, these teachers can become effective educators over time.

Each year, the National Center on Teacher Quality releases the *State Teacher Policy Yearbook*. The report evaluates what states are doing to recruit and retain teachers. One indicator in the report is state requirements and policies on teacher tenure as part of an overall assessment of identifying effective teachers. The rationale for measuring this indicator is that tenure should be a significant and consequential milestone in a teacher’s career. This particular report suggests that teacher effectiveness, rather than years of experience, should be the preponderant criterion in tenure decisions.

In February 2010, the Center for American Progress released *Ringing the Bell for K-12 Teacher Tenure Reform*. The document makes a number of recommendations for federal and state policy reform related to state tenure laws and district processes. **Both this report and the *State Teacher Policy Yearbook* suggest that a minimum of five years of service were the ideal minimum for allowing sufficient data to be accumulated on which to base tenure decisions. Both reports emphasize that a longer probationary period allows for more professional development and enables districts to gather a greater body of evidence regarding teacher effectiveness.**

In closing, on behalf of education administrators, I would like to reiterate that our support for this bill is not an effort to undermine or challenge the belief that quality instruction is critical to student learning. Instead, we believe that this effort could help administrators and boards be more effective in supporting educators. Preparing our children requires a shared commitment, collaboration, and open dialogue among all stakeholders. Thank you for being partners in education and please know that we remain interested in working with you to ensure a successful future for Kansas children.

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Dr. Brenda S. Dietrich
Superintendent
Steve Johnston
Associate Superintendent
Dr. Ann L. Elliott
Director of Student Services
Dr. Dennis R. Johnson
Director of Support Services
Keith A. Love, CPA
Director of Business Services
Bruce Petersen
Director of Human Resources

House Education Budget Committee
Testimony on HB 2699 – School districts; teacher tenure
Wednesday, March 3, 2010

Dr. Brenda S. Dietrich
Superintendent, USD 437 Auburn-Washburn

Good afternoon,

Thank you for giving me the opportunity to visit with you today about **HB 2699** which would amend teacher tenure law by extending the parameters by which one can earn tenure from three consecutive years of employment and a fourth contract, to five years and a sixth contract.

My reasons for supporting this bill are really very simple. I believe we need to give more intentional and targeted support for certified staff who are new to our profession and, by the very nature of their newness, need more time to hone their skills. I look at this bill as giving our inexperienced staff the very precious **“gift of time”**. HB 2699 allows us an opportunity we do not currently have **to strengthen our profession**. It provides more time for us to devote to helping those teachers who are standing on the edge of a cliff after 3 years in our district who do not quite have the skill base we require in order to continue in our employ. **The cliff is created by the current teacher tenure law in the state of Kansas**. We need a **longer induction phase** in order to work with these teachers who just need some more time to meet our standards for effective instruction.

Washburn Rural High School • Washburn Rural Alternative High School • Tallgrass
Washburn Rural Middle School • Auburn Elementary • Indian Hills Elementary •
Pauline South Intermediate • Pauline Central Primary • Wanamaker E

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Date: 03-03-2010
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If we had more time to mentor them, **we could provide very focused professional development to close their skill gaps. We could give them even more support and coaching with exemplary, mentor teachers and provide opportunities for them to learn and observe from the best of the best.** I strongly believe these probationary staff members would benefit greatly from the additional supports we could provide, which would save them from going over the edge of that cliff that leads to a non-renewal notice because they just needed a little more time and we could not give it to them.

In this economic climate, our direction to administrators in USD 437 is that **we cannot afford to take a risk** on our newest staff members if they have not met or exceeded our standards as indicated on the district's appraisal instrument. Our **principals have the responsibility to hire capable teachers and ensure they become and remain effective in the classroom.** However, if there is any doubt that these newer staff members are not highly skilled before they reach tenure at the end of three short years, then we are faced with a non-renewal simply because **we do not have the luxury of any more time with these teachers.**

There are some probationary staff members that come to us with highly developed instructional skills who have a clear understanding of all of the factors of teacher effectiveness and know how to manage a classroom, understand best practices, and will have an immediate positive impact on improving student achievement. But there are those new to the profession who need much more attention and assistance to be the best teacher they can be; and, like anyone learning a new skill, **they will take longer than others to master that skill.**

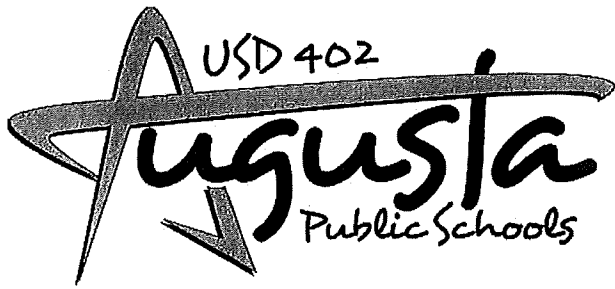
I am not in any way opposed to teacher tenure. It serves an important purpose for helping to retain quality staff and for providing job protection afforded other professions. I was a tenured teacher when I was in the classroom and I understand the stability and protection it brings to our certified staff. I love my teachers. They are the reason our students are learning at the highest levels. I want to continue to provide our students in Auburn-Washburn with the best education possible, but our current law does a disservice to our newest teachers.

Some may argue that we can continue to work with them after they reach tenure. That is true. However, the protection afforded the newly tenured teacher changes the tenor of the conversation dramatically. The desire or willingness on the teacher's part to engage in additional dialog, activities, workshops, observations, and data gathering tasks to hone their skills is, many times, met with resistance and apathy now. **The window of opportunity to provide the kind of coaching and training we believe he/she still needs, has closed.**

Other professions have longer induction periods to ensure that all the supports are in place for a successful career. I would think that we should be able to improve and **strengthen our profession and build tremendous capacity for teacher leadership and student achievement** if we could extend the development and probationary phase. I believe it would also provide the time we would need with our new staff in order to solidify **a shared understanding of what constitutes good teaching and best practices in our classrooms in Kansas.**

I support HB 2699, even though it may be somewhat controversial, because **I believe it is in the best interests of our profession and will make a positive impact on teaching and learning for the 470,000 children in our public schools in Kansas.** I hope you will support it, as well.

Thank you for your time. I would be happy to answer any questions you might have.



Jim Lentz, Superintendent
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Testimony to the Kansas House Education Budget Committee

HB 2699

Jim Lentz, Superintendent

Unified School District 402 Augusta Public Schools

March 3, 2010

Mr. Chairman, members of the House Education Budget Committee.

Thank you for the opportunity to testify today regarding HB 2699, a bill amending K.S.A. 72-5445 to require teachers to complete not less than five (5) years of consecutive employment, with an offer of employment for six (6) years before receiving full due process rights ("tenure").

Research on student learning has shown over and over that the number one, or the most important, influence on student learning is the classroom teacher. One ineffective teacher will have a negative effect on student learning but two ineffective teachers in a row will be devastating and students will never recover.

Research has also shown that teachers who stay in the profession for five years and are offered a sixth contract tend to stay in education and make it their life-long career.

With knowledge of that research and my own experience in education, I support changing the current law - which grants tenure or due process rights - from three years and offer of the fourth contract to five years and offer of the sixth contract.

Every school and school district in Kansas is facing the challenge of meeting the requirements of No Child Left Behind (all students proficient by 2014) and

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preparing all students to be successful after high school graduation. We are making progress toward reaching those goals but we still have a long way to go. The three things that matter most in student learning are the classroom teacher, the principal/instructional leader and an aligned, high quality, intense curriculum. Teachers and principals must take responsibility for students learning.

Teachers today must become highly skilled in the art of teaching. The days of saying we taught the curriculum but the kids did not get it are over. Teachers must know how and be able to work effectively with kids from poverty, whose first language is not English, kids who understand technology better than the adults, kids from affluent homes and kids who have no home. They must understand the importance of and be able to apply relevance and rigor in instruction and have the ability to build relationships with all kids. They must be able to integrate technology into learning activities and be able to use student learning data to drive their classroom instruction.

By changing the law on granting tenure from three to five years we provide more time to mentor new teachers and give them time to learn the skills and knowledge necessary to help all students learn and be successful. If we build teacher skills first, high expectations for student success will follow.

School Districts, Schools, School Boards, and Administration must establish high quality mentoring programs. I encourage you to not only report this bill favorably, but to also consider the supporting quality mentoring and professional development for teachers and administrators.

DONIPHAN COUNTY EDUCATION COOPERATIVE No. 616

PO Box 399

Troy, KS 66087

785-982-4204

Terry E. Collins, Director

**House Education Committee
Testimony on HB 2699**

March 3, 2010

Chairman McLeland and Honorable Representatives:

I am Terry Collins the Director of Doniphan County Education Cooperative/Inter-local #616. I am a current member and a Past President of the Kansas Association of Special Education Administrators (KASEA). I am here to testify as a proponent for HB 2699.

As you know, Kansas has experienced a shortage of teachers, especially special education teachers. Very few students elect to major in special education and there are certified teachers who are removing special education from their endorsements. Most of the teachers that I have hired in the last six or seven years have been hired on waivers. Some of them have become excellent special education teachers. Some need lots of professional development. Some do not succeed.

Regular education teachers can be placed on a waiver to teach special education for three years maximum. Within those three years they must take select classes to become eligible for a provisional license. They typically have 4 years to complete a provisional program and receive a license. It may take up to 7 years before a license is granted. In order to receive categorical aid, these waived teachers must make progress towards a college approved plan of study.

In order to guarantee categorical aid the teacher must sign a contract stating they fully understand that making progress toward a degree is a "condition of employment". That is no easy accomplishment. Contracts are mandatorily negotiable. HB 2699 will help solve a significant problem. Under current law a teacher comes off the probationary period when they sign a fourth consecutive contract. I am advised by lawyers including those at KASB, that "progress toward a degree as a condition of employment" could and most likely would be challenged resulting in a lengthy, expensive battle with highly questionable results. So the challenge becomes do you allow an un-licensed teacher to receive tenure? What about the teacher who looks promising but has not yet developed sufficiently? Why run the risk of not being able to collect categorical-aid if a teacher chooses to drop out or fails to make progress towards licensure? HB 2699 allows us to clear these hurdles.

Amending the continuing contract law, as set forth in HB 2699 allows us to ensure that waived teachers complete the requirements for licensure before completing their probationary period.

Thank you for your time.

USD 406 Wathena

USD 111 Doniphan West

USD 429 Tro

House Education Budget Committee

Date: 03-03-2010

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KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 SW Arrowhead Road • Topeka, Kansas 66604-4024
785-273-3600

Testimony before the
House Education Budget Committee
on

HB 2699 – Teacher Tenure; Probationary Period

by

Mark Tallman, Assistant Executive Director/Advocacy
Kansas Association of School Boards

March 3, 2010

Mr. Chairman, Members of the Committee:

Thank you for the opportunity to comment on **HB 2699**. This bill would lengthen the probationary period before teachers are provided with the full due process rights we refer to as “tenure.” KASB has a long-standing position in support of a longer period before tenure rights are imposed by state law. Just this past December, our members voted to *affirm* this position as part of a comprehensive resolution on high quality educators, which I added on the following page.

I think it is important to stress that the positions we have adopted regarding employees should in no way be considered negative to teachers and other education professionals. You will note that the very first point calls for higher funding for public education in order to improve teacher salaries. KASB has been consistent in its support for funding to make that possible. Our members are supporting tax increases to pay for such salaries and avoid teacher layoffs. However, on the issue addressed by this bill, we believe the current system does a disservice to both teachers and school districts.

This hearing is probably not the place for a comprehensive discussion of the teacher due process system. We can only say our members believe that it is extremely difficult, time-consuming and expensive to dismiss a tenured teacher for academic or student performance reasons. As a result, school boards are extremely reluctant to award “marginal” new teachers with a contract that makes it very difficult to remove such teachers in the future. We hear from administrators who believe a teacher might improve with time, but don’t believe they can take a risk the teacher will *not* improve. We hear from administrators about marginal teachers who may mature into effective educators if given more time and experience. This bill simply gives both boards and teachers more time for evaluation and improvement.

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If it is the committee's choice, KASB would also support an amendment that would make the requirement for a longer probationary period for teachers hired for the 2010-2011 school year. This would address concerns that the rules are being changed in the middle of the game for teachers currently hired but not yet receiving tenure rights. Thank you for your consideration.

2010 Resolution 4:

High Quality Educators

Qualified, effective and motivated teachers and administrators working with local school boards are a critical component of student achievement. Although the current economic situation has eased the shortage of qualified educators, Kansas school districts face a long-term staff shortage as many educators are reaching retirement age, salaries are less competitive, and many educators leave for other careers. At the same time, standards for education licensure and practice are increasing, and the demand for higher student performance and other requirements are increasing.

KASB supports the following steps to address these issues:

- The base budget per pupil should allow Kansas school districts the budget flexibility to raise teacher salaries from the bottom 25 percent of states to at least the U.S. average.
- Incentives for serving in shortage or high needs areas should be expanded, and districts should have clear authority to provide local incentives in these areas.
- Incentives should be created to increase the role of student achievement and other performance measures in teacher compensation and retention.
- Support should be expanded for new teacher mentoring and other induction efforts as well as “grow your own” teacher and administrator development programs. The probationary period for new teachers should be increased.
- Funding for the state professional development program should be restored and increased to the statutorily authorized level, especially as state requirements for staff training continue to increase.
- Districts should be given more flexibility to hire, train and provide professional development to individuals who may lack certain Kansas college teaching credentials but have established credentials in other relevant fields which address specific district needs and who can demonstrate effectiveness in teaching and leadership through alternative paths. This should include teachers from other states or countries, teachers moving among subjects or grade levels, teachers returning to practice, or persons making a transition to a teaching career.
- No changes should be made in working after retirement benefits until after the completion and evaluation of the three-year temporary KPERS rules adopted in 2009.
- Efforts to strengthen educational leadership should include assistance and incentives for local programs; collaborative initiatives among the state, school districts, interlocals and associations (including KASB); and recognition of the vital constitutional role of locally elected school boards.

**Testimony to House Education Budget Committee
in support of House Bill 2699
by Bob Vancrum,
Blue Valley USD 229 Government Affairs Specialist
March 3, 2010**

Chairman McLelland and other Honorable Representatives:

HB2699 would increase the period for the granting of tenure, beyond which a teacher is granted full due process rights if their contract is not renewed from three years to five years. It does NOT affect grants of tenure prior to its effective date, indeed it could not do so.

Obviously one of the stated purposes of the current School Finance act is to support and in fact enhance the quality of the instruction being provided in Kansas. The federal No Child Left Behind Act has expanded that mandate to say that an additional goal is to bring each child to proficiency in every disaggregated group. These are appropriate but tough standards.

The current three year probationary period in essence requires administrators to decide in a relatively short period of evaluation whether a particular individual has the ability to meet these important and tough standards. Wise administrators realize that it is often a good long term strategy to allow new teachers a longer time to strengthen and build upon those skills they have acquired through their educational experience. It allows more time for mentoring and professional development, which we strongly support.

This is not just the opinion of some Kansas administrators. Both the National Center on Teacher Quality and the Center for American Progress recommend a five year period before tenure is granted. We believe this is good for Kansas children and other stakeholders and ultimately better for the new non-tenured teacher as well.

Thank you for your attention and for consideration of HB 2699.

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Making public schools great for every child

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Blake West, Testimony
House Education Committee
House Bill 2699
March 3, 2010

Mr. Chairman, members of the committee, thank you for this opportunity to provide testimony regarding House Bill 2699.

This proposed legislation addresses Due Process for teachers. Due Process, as you know, provides that teachers may be non-renewed for cause. This would certainly include the ability to release a teacher who has demonstrated they are not up to the job and to reduce the teaching force when a district encounters financial hardship.

We would also emphasize that Due Process is a key protection to the integrity of the instructional process. It helps us make sure that politics, poor performance of a student with a powerful parent, or a bad coaching season don't force decisions to release a good teacher.

The question then becomes, is three years the correct number of years before a beginning teacher is sufficiently experienced to determine if she/he has achieved an appropriate level of competence and is on a career path of continuous improvement?

Based on our extensive work with the development of new teacher mentoring and induction programs and our work to help districts formulate their teacher evaluation processes, we believe that three years is more than ample to make this determination. While every professional educator continues to grow and develop throughout her/his career, a district's teacher appraisal system should be sufficiently rigorous and relevant to measure that a teacher IS performing well enough to keep that person in a classroom.

On behalf of the members of KNEA, we believe that lengthening the time for teachers to move from probationary to non-probationary status weakens the education system and is a disservice to students.

We believe that lengthening the probationary period will allow districts to lessen their emphasis on mentoring of new teachers – it will take the pressure off the district to ensure that newer teachers are developing the professional skills to do a good job working with students. New teachers should be provided the support to hone their skills within three years. To do anything less means that students are not receiving the quality instruction that we want to

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ensure they have. Frankly, we fear that a district that has not provided induction support to new teachers during the first three years will be even less likely to provide that additional support during years four and five if the teacher was still not making successful progress.

Lengthening the probationary period will extend for years the time before a young teacher will have the job security to know they should put down roots – buy a home, become a full member of the community. This legislation does nothing to provide additional support to a beginning professional.

We are also concerned that lengthening the probationary period is a sign that administrators are not doing their jobs. After the probationary period is up, administrators must simply justify and document their decision. Under this bill, administrators get five years during which they can non-renew a teacher without giving any reason or rationale knowing that the teacher has no right to an impartial hearing. Three years is plenty of time to find out if a teacher is just not a good fit.

Please consider this: during her first three years in the profession, a typical high school teacher will have taught over 2,000 lessons and worked with 400 to 1,000 or more students on a day to day basis. An elementary teacher will have taught far more lessons. Surely an administrator who is making appropriate classroom visits should be able to observe and determine if a teacher has grown and demonstrated professional competence within 2,000 lessons taught over three years. If we are NOT evaluating teachers with enough frequency and rigor to determine their competence over three years, then we are failing to provide our students with the learning environment they deserve.

Teachers deserve a timely determination – within three years – if they are going to make it. They deserve the assurance that they can become full members of the community where they teach. It is a matter of respect, courtesy, and even decency for a teacher to be provided with a reason for termination so that she/he can utilize that information to help make improvements as a professional or to have frank feedback if teaching is not a profession she/he should pursue.

Students deserve the assurance that school administrators are providing every new teacher with mentoring support. Students deserve the assurance that administrators are conducting meaningful evaluation within a reasonable time frame to ensure their teachers are up to the job.

We urge you to oppose HB 2699 on behalf of both the teachers and students in our schools.



Making public schools great for every child

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

David M.Schauner, Testimony
General Counsel KNEA
House Education Budget
Committee
March 3, 2010
House Bill 2699

Mr. Chairman and members of the Committee:

Due Process is not a vague and unimportant concept. The Kansas Supreme Court in 1957 recognized that due process for teachers was a sound public policy and they wrote the following "...to protect competent and worthy instructors and other members of the teaching profession against unjust dismissal of any kind – political, religious or personal, and secure for them teaching conditions which will encourage their growth in the full practice of their profession, unharried by constant pressure and fear but it does not confer special privileges or immunities upon them to retain permanently their positions or salary, nor permit their interference with the control or efficient operation of the public-school system; and, notwithstanding it grants tenure to those who have taught the requisite period, it nonetheless empowers Boards of Education to discharge them for just cause in an orderly manner by the procedures specified." *Million v. Board of Education*, 181 Kan. 230, 310 P.2nd 917 (1957)

The Kansas Supreme Court decision in *Million* was not only a recognition of the need to protect competent and worthy instructors but also a recognition that the 14th Amendment of the United States Constitution guarantees that the government, federal or state, may not take a citizen's life, liberty or property without due process. That property includes a teacher's contract of employment.

In 1992 the Kansas legislature extended the probationary period from two years to three years. There has been, and remains in place, a strict statutory scheme for evaluating the performance of probationary employees. That process, if followed, both in letter and spirit creates a specific set of processes that schools and professional educators follow to measure their growth in the profession and provide assurance that probationary

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teachers' performance is measured against reasonable standards. That process is used to determine whether a probationary teacher is entitled to become non-probationary after three years of careful examination and scrutiny by building administrators and others in the professional educator's work place.

Extending the probationary period from three years to five years harms not only the professional educator's career it also harms education and students. The words from the Kansas Supreme Court in *Million* resonate more importantly today than in 1957. The need to protect competent and worthy instructors in an ever changing world through the continued use of a reasonable probationary period is not only a worthy goal but sound public policy.

I am certain the committee will hear proponents of the change use the word flexibility to describe the need for expanding the probationary period. I believe the word flexibility is code for expanding the class of professional educators who may be non-renewed from year to year with no reason given. It would relieve administrators and others of any need to participate in effective, quality evaluation of teachers and would in essence create a larger class of employees with little or no job security.

At a time when national educational policy discussions value quality public schools and improving student performance, the creation a larger underclass of educators works at cross purposes with that national goal. It is important to keep in mind that under Kansas law a probationary teacher may be released at the end of his or her teaching contract with no more formality than a written letter delivered by the statutory deadline telling them that their services are no long needed.

That lack of job security strikes at the heart of why Kansas created a due process system in the first place. "To protect competent and worthy instructors... against unjust dismissal of any kind - political, religious or personal, and secure for them teaching conditions ...unharried by constant pressure and fear."

Extending the probationary period from three years to five not only does a disservice to professional educators it does a disservice to those that educate and communities in which they live and work.

Some might call this flexibility. I call it an unsound expansion of power and authority that is not related to sound educational policy, student performance or growth of and educator's professional improvement.

I ask this committee to reject this proposed change.

Charlie Bartsch

March 3, 2010

Members of the committee - thank you for the opportunity to share some thoughts on HB 2699.

- Rather than supporting teachers, this bill is about balancing budgets with no accountability.
 - This allows administrators access to two more years during which they don't have to give any rationale for terminations. It is much easier then to simply dump teachers and increase class size than consider alternatives to balancing their budgets.
 - This longer time frame just prolongs the exposure of students to mediocre or poor teaching. Our students only have one year at each grade level and their futures cannot afford to give administrators more time to make a decision that can be made within three years.
 - In order to adequately support teachers, we need administrators who are present and involved with the education of the children in their building. The administrator should know what happens in each classroom and know that every teacher is teaching with best practices and sound strategies.
 - We need administrators to support their teachers, parents and students by making hard decisions about budget cuts and not sacrificing the well-being of students by just getting rid of phenomenal probationary teachers.
 - Just like every other profession, teachers should have the opportunity to be evaluated and given feedback by their supervisor. One five-minute glimpse every nine weeks without giving any feedback to the teachers does not support educators, new or experienced. The administrators need to be accountable for what happens in their buildings.

- The longer time frame absolves districts of the need to ensure that they have a rigorous, substantive teacher evaluation system in place to help them make employment decisions.
 - Finding and utilizing an effective teacher evaluation process would better benefit teachers and students. It would benefit by bringing that accountability back to the school building.
 - An evaluation system that has the administrator observing the merits of the teaching performance and not simply the performance of our students on a high stakes test would ensure that we are keeping quality teachers and getting support for those others that need it.
 - While working with new teachers, I have the opportunity to observe thirteen new teachers for several hours throughout the school year which gives me a clear and thorough view of teaching performance.

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- The five-year period would keep us from being competitive with other states. If teachers coming out of school have the opportunity to go to Texas, a state with a three year probationary period that is actively recruiting our new teachers, or stay in Kansas with five years of insecurity, the choice seems pretty simple.
 - Texas- Average Salary Elementary: \$44,220
Average Salary Secondary: \$46,110
Tenure: 3 yrs
 - Nebraska- Average Salary Elementary: \$42,230
Average Salary Secondary: \$41,930
Tenure: 3 yrs
 - Colorado- Average Salary Elementary: \$46,130
Average Salary Secondary: \$47,040
Tenure: 3 yrs
- This bill would create a large underclass of teachers with no connection to the community. Without some idea of job security for their future, young teachers will be more likely to avoid putting down roots – buying a home, even buying a new car becomes an issue if you are always cognizant of the fact that you can be let go with no reason.

I urge the committee to reject HB 2699. Thank you.

Amy Snodgrass
March 3, 2010

Members of the committee - thank you for the opportunity to share some thoughts on HB 2699.

- Three years is sufficient time for a new teacher to demonstrate that he/she is competent and showing signs of developing into a strong teacher, especially when adequate support is given to new teachers
 - Peer Consultants, Mentors and Coaches provide support to build teachers' toolboxes
 - New Teacher Induction- Ongoing professional development that focuses on content specialized for teachers who lack experience
 - New Teacher Orientation –Provides new teacher tools to begin the school year successfully; focuses on the necessities of a grade level or content specific area
 - Charlotte Danielson Rubrics provide specific data that enhance individual growth
 - Domains- Planning and Preparation, Classroom Environment, Instruction, Professional Responsibilities
 - By a teacher's 2nd year, significant growth is shown in strong educators

- The state and district Mentor programs support new teachers to better develop their skills within the first 3 years. If districts are implementing the mentor teacher program, there is no need to change the probationary period
 - Building mentors provide support within their school and receive continuous professional development to better their skills and practice
 - Peer consultants in Wichita use coaching skills to help teachers reflect on their practice and set goals for growth (meet/observe new teacher 1-3 times a week)
 - Observe
 - Conference
 - Coach
 - Model
 - Evaluate
 - The New Teacher Center provides training and tools for Peer Consultants (mentors) to guide new teachers toward self reflection and growth in areas of specific and individualized need. Tool options follow:
 - Collaborative Assessment Log
 - Exploring School and Community Resources
 - Assembling a class profile
 - Setting Professional goals
 - Analyzing student work
 - Communicating with parents

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- Planning lessons
 - Conducting Classroom Observations
 - Reviewing Progress at mid-year
 - Reflecting on Professional growth
- By adding time to the probationary period, the state is taking crucial decisions out of the hands of educators
 - Building administrators know if a teacher is going to be successful by the 3rd year.
 - Expanding this time absolves some school administrators of doing their job. Will they be actively doing more for the teacher or just putting off the decision?
 - Cutbacks in the level of support have already occurred due to a lack of funding by the state. What support will be provided to teachers in need for an additional 2 years?
 - Students deserve the best education possible – delaying dismissal of an ineffective teacher after 5 years affects a greater number of students.

I urge the committee to reject HB 2699. Thank you.

To members of the House Education Budget Committee

March 3, 2010

While I wish that I could be here to speak to you personally, family illness prevents my joining you. I am writing in opposition to HB 2699 that would extend probationary status for new teachers from three to five years for three reasons.

First, there is no research indicating that administrators cannot determine the competence of a new teacher within four years. In fact, both Charlotte Danielson and Allen Odden (two of the country's leading researchers on teacher evaluations) argue that the most time needed to determine whether or not a teacher is competent and should be granted tenure is three years if an appropriate evaluation system is used in conjunction with a well-designed induction and retention program.

Second, the quality of a new teacher's performance is as much a reflection of his or her teacher training program (be it a traditional campus-based program, a school-based Professional Development School program, or a Transition to Teaching Program) as it is the individual ability of the teacher in question. Humans tend to do what they are taught to do, and if a prospective teacher is certified as competent by both the teacher training program and the student teacher's cooperating teacher or administrator, then the finger of blame should point more to the failing teacher's teachers, than the new teacher him or herself. If incompetence among new teachers really is a systemic problem that needs to be addressed through legislation, then I would ask the legislature to take action against teacher training programs at the university level as the true cause of the problem rather than the new teachers who have clearly been done a disservice by these programs.

Third, if an administrator cannot spot an incompetent teacher and remove him or her from the classroom within three years, then the problem is with the administrator—not the teacher. While I do not believe that due process rights in any way limit an administrator's ability to ethically remove tenured teachers from the classroom when they are performing poorly, I know that many administrators and legislators view tenure laws as an unfair burden on management. But in this case, due process rights are irrelevant since probationary teachers do not have them beyond the scope of their current, one year contract. No reason is needed to non-renew these teachers. The administrator merely needs to check a form indicating that the teacher shall be non-renewed and the deed is done. That this is not being done when it should be is a problem with administrators, not teachers.

It is good political theater to blame tenure laws for problems that have nothing to do with tenure—but it does not solve the problem. It only guarantees that it will get worse. Please reject this bill.

Sincerely,

Andrew K. Davis
National Board Certified Teacher
Wichita Public Schools

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